

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0556 and DA 09-0605

---

STATE OF MONTANA,

Plaintiff and Appellee,

v.

DONNIE MACK SELLERS,

Defendant and Appellant.

FILED

FEB 26 2010

Ed Smith  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

---

**SUPPLEMENTAL OBJECTION**

---

As reflected in Sellers' "Petition to Remove Office of the State Public Defender," the Attorney General's Office objected to Sellers' petition.

The State did not file a separate objection to Sellers' petition because the State believed it was appropriate for the Office of the Appellate Defender (OAD) to respond to the petition in the first instance. The OAD has now filed its response.

The basis for the State's opposition to Sellers' petition was that issues regarding conflicts of interest and alleged prejudice should be addressed factually, contextually, and on a case-by-case basis rather than by means of a per se conflict rule. Accordingly, the State joins in the OAD's opposition and response to Mr. Sellers' petition.

Sellers' counsel has been contacted and does not object to the filing of this Supplemental Objection.

Respectfully submitted this 26<sup>th</sup> day of February, 2010.

STEVE BULLOCK  
Montana Attorney General  
215 North Sanders  
P.O. Box 201401  
Helena, MT 59620-1401

By: Mark Mattioli  
MARK W. MATTIOLI  
Appellate Services Bureau Chief

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and accurate copy of the foregoing  
Supplemental Objection to be mailed to:

Ms. Joslyn Hunt  
Chief Appellate Defender  
139 North Last Chance Gulch  
P.O. Box 200145  
Helena, MT 59620-0145

Mr. George H. Corn  
Ravalli County Attorney  
205 Bedford Street  
Hamilton, MT 59840

Mr. Colin M. Stephens  
Smith & Stephens, P.C.  
315 West Pine Street  
Missoula, MT 59802

DATED: 2/26/10 Mark Mattioli